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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/663,731

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Satoshi Tsujii

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20999 7590 12/19/2006  
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EXAMINER

VENT, JAMIE J

ART UNIT

PAPER NUMBER

2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/19/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/663,731

Applicant(s)

TSUJII ET AL.

Examiner

Jamie Vent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 19, 2006 has been entered.

### ***Response to Arguments***

Applicant's arguments filed September 19, 2006 have been fully considered but they are not persuasive. On pages 19-23 applicant argues that Okada et al in view of Abecassis fails to disclose, suggest, or teach the following limitations, "transforming means transforms the data structure of said encoded video data into said file structure which contains a first data unit which corresponds to a predetermined number of frames of said encoded data outputted from said encoding means, and a second data unit which consists of a plurality of said first data units." The storage of data as taught by Abecassis is done through various mediums including VCR and optical disks. The recording of data onto an optical disk provides the ability to have data stored at various areas of the disks and thereby providing "video chunks" recorded and stored on the disk. The "video chunks" provide the user the ability to access the various data and furthermore provides two different data unit that are encoded and recorded on different

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areas and thereby meets the limitation. Additionally, examiner notes that the claim limitations state first and second data unit and are not explicit in stating on unit is video only and another is audio data only. Therefore, although all applicants points are understood the examiner can not agree and the rejection is maintained.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-8, and 9-21 are rejected under 35 U.S.C. 103(a) as being unpatentable by Okada et al (US 6,181,870) in view of Abecassis (US 6,208,805).

**[claims 1, 2, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, & 25]**

In regard to Claims 1, 2, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 21, 23, 24 and 25, Okada et al discloses a recording apparatus and method for recording video and audio data to a recording medium, rewritable optical disc, comprising:

- Encoding means for encoding video data in a group structure of a plurality of frames corresponding to a compression-encoding process in a combination of an inter-frame predictive encoding process and a motion compensative process  
(Figure 18 shows an encoder in which an inter-frame predictive encoding process

and a motion compensative process is met through the MPEG encoder as well being well known in the art);

- Audio output means for outputting compression-encoded or non-compressed audio data (Figure 17 shows audio output signal used for outputting all audio data);
- Transforming means for transforming the data structure of encoded video or encoded audio data that is output from said encoding means and audio data that is output from said audio output means into a file structure that can be processed by a computer software program without a dedicated hardware portion so that moving pictures and so forth are synchronously reproduced and multiplexing the encoded video data and the audio data having the file structure (Figure 17 C1 transforms the output of the MPEG encoder into a file that can be processed by a computer system as further described in Column 37 Lines 40+ and seen in Figure 21);
- Recording means for recording said transformed encoded video data to a recording medium (Figure 17 recording element 3 records the file structure information); and
- Wherein said transforming means transforms the data structure of said encoded video data into said file structure (Figure 17 C1 transforms the output of the MPEG encoder into a file that can be processed through the system. Additionally, Figure 89a shows a first data structure corresponding to a predetermined number

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of frames and a second data unit that is matched as seen in Figure 89a cell #7a)

and

- Wherein said recording means records said transformed encoded video data so that the encoded video data of the second data unit is recorded on a successive location of said record medium (Figure 89a shows the recording of encoded video data on a successive location of the recording medium); however, fails to disclose a file structure which contains a first data unit which corresponds to a predetermined number of frames of said encoded video data outputted from said encoding means and a second data unit which contains a plurality of said first data units.

Abecassis discloses a system wherein the control function is inhibited for interfering of the playback of video. The inhibiting provides a control function of playing proper video segments and thereby contains various file structures within the video data stream. As seen in Figure 3 various file structures contain a first data unit that corresponds to a predetermined number of frames and are thereby encoded by the first data units and described in Column 9 Lines 1-50.

The ability to have a certain number of frames in each data structure allows for proper controlling of segments. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system for transforming and recording segments, as disclosed by Okada et al, and further incorporate a system wherein the file structure contains a certain number of frames and thereby provides proper control of the data stream, as recited by Abecassis.

**[claim 3]**

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In regard to Claim 3, Okada et al further discloses the compression-encoding process is MPEG, a GOP structure (Figure 4a and 4b and further described in Column 15 Lines 28-38), and date of the sequence header is added to each GOP that is matched with the first data unit (Figure 6F-6H shows the headers for the data that is added to each GOP and it is further described in Column 23 Lines 14+ that packet start codes shows the time at which the data is stored in the present back and when it should be inputted into the various buffers thereby allowing for a comparison match with the first/original data unit).

**[claim 7]**

In regard to Claim 7, Okada et al further discloses a recording apparatus wherein the duration of the encoded video data of the second data unit is the same as the duration of the encoded audio data of the second data unit (Figure 89a shows the second data (cell #7a) being matched with subsequent length and duration of the first/original data set (Cell #7) as seen by the length of time of each segment).

**[claim 8]**

In regard to Claim 8, Okada et al further discloses a recording apparatus wherein the encoded video data of the second data unit and the encoded audio data of the second data unit are alternately placed in the multiplexed data, each of the encoded video data of the second data unit and the encoded audio data of the second data unit being matched with successive record length (Figure 71 shows the encoded AV data being alternately placed in the multiplexed data unit of the user defined chain PGC#3 with each record being matched with the successive length due to the time map table as seen in the Original PGC #1 and #2).

**[claim 9]**

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In regard to Claim 9, Okada et al fails to disclose a recording apparatus wherein the audio data is compression-encoded corresponding to the ATRAC and the first data unit of the file structure contains at least one sound unit of ATRAC. The examiner takes official notice that it is well known in the art to use mini discs as recording apparatus, which thereby use Adaptive Transform Acoustic Coding (ATRAC). It would be obvious to one skilled in the art at the time of the invention for Okada et al to use a mini disc apparatus for editing and recording purposes and thereby using ATRAC.

**[claims 10 & 11]**

In regard to Claims 10 and 11, Okada et al further discloses a recording apparatus wherein the file structure further includes a data portion containing management information and the data portion contains size information of the first data unit and position information of the second data unit (Figure 36 shows the management information for the file system, aside from of the sector management table and AV block management table which is seen in Figure 6).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Fukuda (US 5937138).

***Contact Fax Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

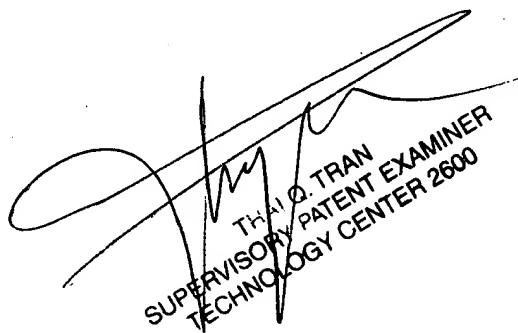


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Jamie Vent*

  
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